

org. labor

UNITED STATES SECTION
JOINT UNITED STATES-MEXICO
TRADE UNION COMMITTEE

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Washington 6, D. C.

*Note:
Galanga not
included*

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FOR IMMEDIATE RELEASE

V. CONFERENCE DISCUSSES PROBLEMS

MEXICAN UNIONS TO ORGANIZE "BRACEROS"

The Fifth Conference of the U. S.-Mexican Trade Union Committee was held in Mexico City at the Flores Magon Library of the Mexican Confederation of Workers (CTM) on April 6, 7, and 8.

After three days of intense activity in working committees and plenary sessions, the Conference reached important conclusions on suggested changes to the bilateral agreement between the United States and Mexico on migrant agricultural laborers (braceros).

Other resolutions adopted at this Conference concerned the organization of the "braceros" by the Mexican unions before leaving for the United States; cooperation between the United States and Mexican Unions; and border pacts between unions on both sides of the border.

The Conference requested the Inter-American Regional Organization of Workers (ORIT), the western hemisphere regional organization of ICFTU, to act as coordinator of a border conference between the United States and Mexican unions with jurisdictional interest in the building of the Diablo Dam on the Pecos and Diablo rivers. This meeting is scheduled to take place the first week of June of this year.

The United States Section of the Joint U.S.-Mexican Trade Union Committee was represented at this conference by Frank Noakes, Serafino Romualdi, Paul Reed, E. P. Theiss, Irwin DeShetler, Bob Sanchez, Andrew McLellan, Fred Schmidt, David Sternback, Francis T. Brennan, and C. R. Perry.

The Mexican Section delegation consisted of Jesus Yeren, Justin Sanchez, Eduardo Fernandez, Jose M. Cruz, H. J. Aldana, Augustin A. Gutierrez, Barnardo Cobos, Francisco Macin, Blas Chumacero, Juan Diaz, and Antonio Rivas.

ORIT representatives were its General Secretary, Alfonso Sanchez Madariaga, assisted by staff members, Jose Maria Aguirre and Fernando Melgosa.

The resolutions are attached.

JOINT UNITED STATES-MEXICO TRADE UNION COMMITTEE

FIFTH CONFERENCE - MEXICO CITY, APRIL 6, 7, AND 8, 1959

RESOLUTION ON THE PROGRAM OF WORK OF THE

U.S.-MEXICAN JOINT TRADE UNION COMMITTEE

This Conference has studied reports by the two Sections of the Joint Committee which summarize their activities in the United States and Mexico since our last previous meeting in Nogales, Sonora, April 2-4, 1957.

It is a matter of great satisfaction to the workers of both countries that these reports indicate that progress has been made toward the attainment of the objectives which the Joint Committee set forth in its Nogales declaration. The accomplishments noted clearly indicate not only that each of our two Sections individually is stronger than ever before but also that we are even more unified in our common outlook and objectives.

Although the reports were prepared many hundreds of miles apart and with no consultation whatever concerning their contents, the identity of interest which the two documents reveal is a striking and irrefutable proof that the bonds of brotherhood and friendship which unite the workers of our two countries have been forged out of our dedication to the same democratic ideals of freedom, justice, and equality for the workers of all nations. They prove, further, that our unity is not merely one of agreement of minds alone; our unity is much greater and more indestructible, for it is a unity stemming from the very center of our hearts.

With these thoughts in mind, therefore, we renew our pledge of continued cooperation in the years ahead and set for ourselves new immediate objectives

in accordance with the resolutions adopted and the opinions expressed by the Fifth Conference of the U.S.-Mexican Joint Trade Union Committee.

A) HOUSING. That the Mexican and United States Sections of the Joint Committee be urged to support with all their power the directives concerning housing set forth in the new regulations of the Labor Department of the United States.

B) WAGES. We recommend that both Sections urge their respective governments to amend the paragraph entitled "Payment of Wages" as set forth in Article 15 of the text of the international agreement on migratory workers and the individual work contracts which read: "The employer shall pay the Mexican workers not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment, or at the rate specified in the Work Contract, whichever is higher. The determination of the prevailing wage rate shall be made by the Secretary of Labor." The term "prevailing wage" is an ambiguous one. Today, as in the past, the use of this term has permitted the payment of wages that fall far below the requirements of the American concept of "Adequate wages for a healthy economy." Such wages, moreover, contradict one of the basic human rights enunciated by the United Nations, of which our respective countries are a part. This basic right requires that the worker receive a wage adequate to cover all the necessities of life. Therefore, in our opinion, government should establish a minimum wage, which will be fully in accord with this principle. Such a minimum wage, if applicable to specific areas or regions, should in no case be lower than the national minimum wage. We believe that such a wage not only has a sound legal basis but also will encourage friendly relations between workers and employers, thus promoting the welfare of nations and the preservation of peace.

In view of Secretary of Labor James P. Mitchell's expressed conviction that agricultural workers should be given the protection of minimum wage and maximum hours legislation and in view of his announcement that a study designed to produce this type of legislation will be completed this year, we therefore resolve that the Migrant Labor Agreement be changed so as to amend Article 15 of the Agreement as follows:

Place a comma at the end of the first sentence of the first paragraph and add these words:

" , but in no event shall he be paid less than one dollar per hour."

Such an amendment would be in accord with action taken by the Joint Committee at its Nogales meeting, April 2-4, 1957.

C) SAFETY IN TRANSPORTATION. We recommend that the United States trade unions continue to cooperate with those public agencies which are responsible for enforcement of safety regulations in transportation to the end that the braceros may be assured the maximum protection when they are transported to and from their places of work.

D) MEALS. The International Agreement to which the governments of Mexico and the U.S. are parties clearly stipulates that the providing of meals to the workers by the employer or by concessionaries should not be utilized as a source of profit for those providing this service. Rather it is required that such service be rendered the worker at cost. It is therefore recommended that every effort be made to reorganize the commissary system which now prevails to the end that it cease to be administered for purposes of profit. We commend the U. S. Department of Labor for having investigated this matter and recommend continued vigilance.

E) INTERMEDIARIES. The International Agreement prohibits the participation of intermediaries, such as private labor contractors or labor recruitment agents,

in the Mexican labor recruitment program. This prohibition, in our opinion, relates not only to services provided the braceros but also to the supervision of the braceros while they are at work. This prohibition has not been properly enforced up to the present time, with the result that certain employers have been able to evade their responsibilities with respect to the welfare and the proper treatment of the workers. We recommend that such intermediaries be eliminated from the Mexican labor program, since they contribute nothing to the application of and compliance with, the solemn obligations undertaken by the parties to the individual work contracts and to the international agreement upon which such contracts are based.

F) COMPLIANCE AND ENFORCEMENT. The inspection of camps and other places where the bracero is housed, and the compliance measures which may be taken to assure that both parties to contracts will fulfill their obligations, are responsibilities which rest exclusively with the Federal Governments of both countries. These responsibilities cannot be assumed by local or state authorities or by any of their agents.

The present Migrant Labor Agreement charges both the Secretary of Labor of the United States and the Consuls of the United Mexican States with the responsibility of making official inspections looking to the enforcement of the Agreement and the Standard Work Agreement. We believe this places an unrealistic burden on the Mexican Government the way the Agreement is presently drafted. Where the Agreement specifically mentions in several instances that the Secretary of Labor may perform his duties through representatives of the Labor Department, it requires that only the Consul himself may take action with regard to these inspection and enforcement procedures. To correct this situation and to expedite the enforcement of the agreement, we propose the following amendment to Article 25 and any other applicable part of the Agreement:

Wherever the phrase "Mexican Consul" is used, the following words shall be added thereafter: "or his representative."

G) ORGANIZATION. The most effective means to secure compliance with the international agreement and the individual work contracts lie in the organization of the workers who seek employment as braceros. Therefore, we recommend that such workers be organized before they leave Mexico by the trade unions of that country, which are represented in this Joint Committee. Such organization will include the proper education of the workers concerning their rights and duties under the work contracts, as well as concerning any benefits to which they may be entitled under the laws of the United States. Every bracero who enters the United States should be provided with a union membership card which will facilitate his membership in any union of the U.S. member of this Joint Committee and will entitle him to the protection and services which such membership provides.

H) SPECIAL PERMITS. The international executive agreement, and the amendments made to it for the economic and social betterment of the braceros, constitute a set of principles and rules by which the migration of workers from one country to another should be regulated. Any arrangement or practices which evade or contradict these principles and rules should be repudiated. Therefore, we denounce the use of "special permits" for immigration purposes issued by the U.S. Immigration and Naturalization Service, since these permits obstruct and annul the application of the international agreement. We request that the use of such permits be discontinued.

I) UNION PARTICIPATION IN NEGOTIATIONS. The Mexican and United States delegations, throughout the existence of the Joint U.S.-Mexico Trade Union Committee, have been in complete agreement with regard to the participation of the unions of the two countries in the negotiations in which the international agreements for the contracting of workers are drafted and approved. The vital

interests of the workers of both countries are affected by the provisions of such agreements, and for that reason the workers ought not to be excluded from the negotiations leading up to them. This Conference recognizes that the governments of both countries have shown themselves more and more receptive to the suggestions and recommendations made to them by the trade union organizations of the two countries from time to time.

However, whenever this agreement is to be amended or otherwise revised, it shall be the obligation of the two governments to admit to the negotiating conferences the representatives of interested parties, such as the representatives of labor and employers in the U.S. and of the interested groups in Mexico on a technical consultative basis.

The appointment of such consultative representatives will be made by the Secretary of the Department of Labor of the United States, in consultation with the Labor Advisory Committee on Farm Labor to the Department of Labor, in regard to the U.S. consultants, and the corresponding authorities shall appoint in similar manner the Mexican consultants, taking into account the opinion of the labor organizations involved.

J) EMPLOYER'S RESPONSIBILITY. The interests of the workers cannot be fully safeguarded unless the associations which employ them are morally responsible and economically solvent. Therefore, the Conference recommends that the Department of Labor of the United States refuse to certify workers to any association which does not comply with the requirements for financial solvency and responsibility laid down by the Department of Labor.

K) INSURANCE. This Conference recommends that the U.S. and Mexican Sections bring pressure to bear on their respective governments to either incorporate a new clause into the International Agreement, or revise the existing clause.

on occupational accident and sickness insurance for braceros. This clause should be as broad as possible to cover all risks to which these workers are exposed, the cost of which will be borne by the employer.

It is necessary to emphasize to the governments that, whatever form of insurance is adopted for the protection of the braceros, the labor movement should be given consultative status on the bodies that control the correct functioning and administration of the insurance.

V MEETING OF THE JOINT UNITED STATES - MEXICO TRADE UNION COMMITTEE

Mexico, D. F., April 6, 7, and 8, 1959.

Point II of the Agenda: Border Pacts between Mexican and United States Unions.

- WHEREAS: Labor organizations of the United States and Mexico have for a number of years concluded agreements with the object of establishing pacts of solidarity and mutual aid between trade unions operating on both sides of the Mexico - U.S. border; and
- WHEREAS: The object of these pacts has been that of tightening the bonds of solidarity between national, regional, and local organizations, by means of mutual consideration of the problems affecting them, and of the support which should be given to the solution of said problems; and
- WHEREAS: These pacts aim fundamentally at setting up equal conditions of employment according to the specific conditions of each region; and
- WHEREAS: Despite the efforts made it has not yet been possible to sign as many pacts as compatible with the number of organizations operating along the border; and
- WHEREAS: The celebration of these pacts must be subject to the approval of superior trade union bodies according to the terms of their respective constitutions; and
- WHEREAS: The organizations affiliated to the ORIT have the right to decide whether the participation in these pacts of non-affiliated trade union groups is appropriate and convenient; and

WHEREAS: With regard to pacts signed, they should be reviewed from time to time with a view to improvement and more effective application; and

WHEREAS: This Committee does not have the authority to set up the definite bases for the signing of said pacts, the V Meeting of the Joint United States - Mexico Committee makes the following

RECOMMENDATIONS:

First.- That the ORIT affiliates in the United States and Mexico, through their competent bodies, should proceed to the revision of the pacts now in existence and in force on the Mexico - U.S. border;

Second.- That ORIT affiliates in the United States and Mexico should urge their subordinate bodies in the States of Baja California, Sonora, Chihuahua, Coahuila, Nueve Leon and Tamaulipas on the Mexican side; and California, Arizona, New Mexico, and Texas on the U.S. side; to conclude border pacts in accordance with the bases set up by the respective organizations;

Third.- That the trade union organizations which are part to the signing of border pacts must seek approval and direction of their respective superior bodies; and

Fourth.- That the ORIT affiliated organizations in the United States and Mexico decide whether it is convenient or not that non-affiliated organizations join those pacts of which they are signatories.

Mexico, D. F., April 8, 1959.

BERNARDO COBOS

FRANK L. NOAKES

EDUARDO FERNANDEZ

E. P. THEISS

FERNANDO MELGOSA

V MEETING OF THE JOINT UNITED STATES - MEXICO TRADE UNION COMMITTEE

Mexico, D. F., April 6, 7, and 8, 1959.

Point III of the Agenda: Cooperation between United States and Mexican Trade Unions.

WHEREAS: The democratic labor movement of the United States and Mexico, as represented by the organization which comprised the Joint United States - Mexican Trade Union Committee, is deeply interested in closer cooperation and better understanding of the peoples of the two countries specially of the workers; and

WHEREAS: The fundamental objective of this closer cooperation is to learn the progress achieved by the worker individually, and by the labor organizations in general, in each of the two countries, as well as to obtain information on problems of common interest and particularly to find better solutions to such problems; and

WHEREAS: This objective can be obtained through the application of a comprehensive plan which would include not only the interchange of correspondence and information between the unions of the two countries but also the interchange of trade union leaders of the United States and Mexico, who would visit the neighboring country in order to study the structure, the aims, the progress and the general problems of the respective labor organization; and

WHEREAS: This cooperation between the trade union organizations of the United States and Mexico attains a special importance when

there are labor-management conflicts which require measures of solidarity on the part of national or local trade union organizations directly interested; and

WHEREAS: The ORIT on account of its international character, its jurisdiction, and the successes already obtained in the development of ample cooperative programs is in a position to effectively coordinate the proposed plans; the V Meeting of the Joint U.S. - Mexico Trade Union Committee,

RECOMMENDS:

First.- That the Inter-American Regional Organization of Workers (ORIT) promotes the closer cooperation and better understanding between its affiliated organizations in the United States and Mexico by the execution of a plan with the cooperation of those organizations which comprise this Joint Committee, and which plan would include reciprocal interchange of information material, of correspondence and visits of trade union leaders, as well as the participation of fraternal delegates to their respective conventions;

Second.- That the ORIT affiliated organizations in the United States and Mexico support this program of closer cooperation with all the means at their disposal, and that they recommend it to their respective subordinate organizations, whether national, state, or local;

Third.- That the National Trade Union Organizations of the United States and Mexico affiliated to ORIT take concrete measures, according to their respective geographical and trade union jurisdictions to make effective

their solidarity in the event of labor management conflicts affecting their respective subordinate organizations.

Mexico, D. F., April 8, 1959.

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